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EXAMINER	
NGUYEN, DAVID Q	

ART UNIT	PAPER NUMBER
2681	6

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/695,213	CIOTTA, BRUCE	
	Examiner	Art Unit	
	David Q Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *14-20* is/are allowed.

6)☒ Claim(s) *1-13 and 21-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-9, 11-13 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obhan (US Patent Number 6366780) in view of Appelman (US Patent Number 6677968).

Regarding claim 1, Obhan discloses in a wireless communication system, a method comprising the step of: transmitting a power-on signal from a mobile station to a mobile switching center (MSC) in response to each power activation of the mobile station (see col. 12, lines 25-36; col. 14, lines 46-54); transmitting a power-off signal from a mobile station to a mobile switching center (MSC) in response to each power deactivation of the mobile station (see col. 12, lines 25-36; col. 14, lines 46-54); updating power status of the mobile station in a home location register (HLR) linked to the MSC in response to receipt to each of said power-on signal and power-off signal (see col. 12, lines 25-36; col. 14, lines 46-54). Obhan is silent to disclose in response to each said step of updating, sending a message indicating a change of mobile station power status to an Internet Service Provider (ISP). However, Appelman discloses sending a

message indicating a change of mobile station power status to an Internet Service Provider (ISP) (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Appelman's system and method to Obhan's system and method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claim 2, the method of Obhan in view of Appelman also discloses wherein the signal comprising information identifying the mobile station and its power status; in response to receipt of the signal by the ISP, correlating the mobile station identified in the signal with a subscriber of the ISP; determining whether the correlated ISP subscriber is on-line; and notifying the correlated on0line ISP subscriber of the power status of the mobile station (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 of Appelman).

Regarding claims 3-6, the method of Obhan in view of Appelman also discloses said step of notifying comprises transmitting data to the on-line ISP subscriber for display when the mobile station has been received; the data comprises an icon that indicates the mobile station has a power-on status; transmitting a message from the on-line ISP subscriber to the mobile station; said transmitting step comprises sending the message via the ISP to a short message server in the wireless communication system; and forwarding the message to the mobile station via the MSC (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 and abstract of Appelman).

Regarding claim 7, the method of Obhan in view of Appelman also discloses also discloses wherein said step of notifying comprises transmitting data to the on-line ISP subscriber for deletion of an icon display when the mobile station has been de-activated (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 and abstract of Appelman).

Regarding claim 8, the method of Obhan in view of Appelman also discloses the signal comprises information identifying the mobile station and its power status, and the step of transmitting comprises forwarding the signal to a plurality of ISPs (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 and abstract of Appelman).

Regarding claim 9, Obhan discloses in a wireless communication system, a method comprising the step of: transmitting a power-on signal from a mobile station to a mobile switching center (MSC) in response to each power activation of the mobile station (see col. 14, lines 46-54; col. 12, lines 25-36); transmitting a power-off signal from a mobile station to a mobile switching center (MSC) in response to each power deactivation of the mobile station (see col. 14, lines 46-54; col. 12, lines 25-36); updating power status of the mobile station in a home location register (HLR) linked to the MSC in response to receipt to each of said power-on signal and power-off signal (see col. 14, lines 46-54; col. 12, lines 25-36). Obhan is silent to disclose in response to each said step of updating, determining whether the mobile station is associated with a subscriber of an Internet Service Provider (ISP); and transmitting a change of mobile station power status signal to a remote database associated with the ISP if an association has occurred in the determining step. However, Appelman discloses determining whether the mobile station is associated with a subscriber of an Internet Service Provider (ISP); and transmitting a change of mobile station power status signal to a remote database associated with the ISP if an association has occurred in the determining step (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 and abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Appelman's system and method to

Obhan's system and method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claim 11, Obhan discloses a method comprising the steps of: maintaining power-on and power-off status for each of a plurality of mobile telephone stations in a first database (see col. 14, lines 46-54; col. 12, lines 25-36). Obhan is silent to disclose formulating a change of status message for transmission to a second database related to at least one Internet Service Provider (ISP) in response to a change in the status for at least one of the plurality of mobile stations. However, Appelman discloses formulating a change of status message for transmission to a second database related to at least one Internet Service Provider (ISP) in response to a change in the status for at least one of the plurality of mobile stations (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 and abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Appelman's system and method to Obhan's system and method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claim 12, the method of Obhan in view of Appelman also discloses the first database comprises a mobile switching system home location register (HLR) that contains subscriber listing for the plurality of mobile stations and the step of maintaining comprises: receiving at a mobile switching center (MSC) power-on and power-off signals that are indicative of changes in a power status for each of the plurality of mobile stations; and updating the HLR in response to the received power-on and power-off signals (see fig. 2 and abstract col. 2, line 36-to col. 3, line 60 of Obhan).

Regarding claim 13, the method of Obhan in view of Appelman also discloses receiving at the MSC registration and de-registration signals, indicative of establishing communication and loss of communication, respectively, with mobile communications network base stations for each of the plurality of mobile stations (see col. 14, lines 46-54; col. 12, lines 25-36 of Obhan); wherein the HLR is updated further in response to receipt of the registration and deregistration signals (see col. 14, lines 46-54; col. 12, lines 25-36 of Obhan); formulating a change of registration message for transmission to a second database related to at least one Internet Service Provider (ISP) in response to a change in the registration for at least one of the plurality of mobile stations (see explanation in claim 11).

Regarding claim 21, Obhan discloses a wireless communications system comprising: a plurality of mobile stations (see fig. 3); a plurality of base stations interfaced for wireless communications with the plurality of mobile stations and for receiving power status transmissions from the mobile stations (see fig. 3 and explanation in claim 1); a mobile switching center connected in a wireless communication network to the base stations, the mobile switching center linked to a home location register for transmission thereto of changes of power status of the mobile stations, the home location comprising service profiles for each mobile station, including power status (see fig. 3 and explanation in claim 1). Obhan is silent to disclose a database remote from the home location register, the remote database associated with an Internet Service Provider and containing records relating subscribers of the Internet Service Provider with respective mobile stations, the remote database connected through a data network with the home location register for receiving therefrom change of power status messages for the respective mobile stations. However, Appelman discloses a database remote from the home

location register, the remote database associated with an Internet Service Provider and containing records relating subscribers of the Internet Service Provider with respective mobile stations, the remote database connected through a data network with the home location register for receiving therefrom change of power status messages for the respective mobile stations (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 and abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Appelman's system and method to Obhan's system and method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claim 22, the method of Obhan in view of Appelman also discloses a storage device comprises a computer and a database communicating with the computer (see fig. 1 of Appelman).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obhan (US Patent Number 6366780) in view of Appelman (US Patent Number 6677968) and further in view of Lager et al. (US Patent Number 6636502).

Regarding claim 10, the method of Obhan in view of Appelman does not disclose checking a flag in the HLR indicating that the mobile station is linked to the Internet Service Provider. However, Lager et al disclose checking a flag in the HLR indicating that the mobile station is linked to the Internet Service Provider (see col. 8, lines 31-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Lager's method to Obhan's method in view of Appelman so that system can notify buddies on power-up and users can automatically join favorite chat groups.

4. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obhan (US Patent Number 6366780) in view of Lager et al (US Patent Number 6636502).

Regarding claim 23, Obhan discloses a method comprising the steps of: receiving a first signal from a wireless mobile station, indicating that a mobile station is available for communication through a wireless network (see col. 12, lines 25-36; col. 14, lines 46-54); receiving a second signal from the wireless mobile station, indicating that the mobile station is no longer available for communication through a wireless network (see col. 12, lines 25-36; col. 14, lines 46-54). Obhan is silent to disclose in response to the first signal, sending a message indicating the availability of the mobile station to a system of an Internet Service Provider (ISP); in response to the second signal, sending a message indicating the mobile station is no longer available to a system of an Internet Service Provider (ISP). However, Larger et al disclose sending a message indicating the availability of the mobile station to a system of an Internet Service Provider (ISP); sending a message indicating the mobile station is no longer available to a system of an Internet Service Provider (ISP) (see col. 8, lines 21-67; col. 9, line 1 to col. 10, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Lager's method to Obhan's method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claims 24-25, the method of Obhan in view of Lager also discloses updating an indication of status in a record for mobile station, in a database within the wireless network, in response to each of the received signals, wherein each of the messages sent to the ISP system comprises updated status information from the mobile station record; wherein the database

comprises a home location register of the wireless network (see col. 8, lines 21-67; col. 9, line 1 to col. 10, line 21 of Lager).

Regarding claim 26, the method of Obhan in view of Lager also discloses the first signal indicates transition to a power-on status of the mobile station (see col. 12, lines 25-36; col. 14, lines 46-54 of Obhan); and the second signal indicates transition to a power-off status of the mobile station (see col. 12, lines 25-36; col. 14, lines 46-54 of Obhan).

Regarding claim 27, Obhan discloses a method comprising the steps of: receiving a first signal from a wireless mobile station, indicating in a change in status of the mobile station with regard to availability of the mobile station for communication through a wireless network (see col. 12, lines 25-36; col. 14, lines 46-54). Obhan is silent to disclose determining from a profile record associated with the mobile station in a database of the wireless network, if notice of the status change should be provided to an Internet Service Provider (ISP); and in response to determining that notice of the status change should be provided to ISP, sending a message indicating the changed status of the mobile station to a system of the ISP. However, Lager et al disclose determining from a profile record associated with the mobile station in a database of the wireless network, if notice of the status change should be provided to an Internet Service Provider (ISP); and in response to determining that notice of the status change should be provided to ISP, sending a message indicating the changed status of the mobile station to a system of the ISP (see col. 8, lines 21-67; col. 9, line 1 to col. 10, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Lager's method to Obhan's method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

5. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obhan (US Patent Number 6366780) in view of Lager et al (US Patent Number 6636502) and further in view of Appelman (US Patent Number 6677968).

Regarding claim 28, the method of Obhan in view of Lager et al is silent to disclose in response to the message indicating the change status, correlating the mobile station to an on-line customer of ISP, and sending a message indicating the change in availability of the mobile station to the on-line customer of the ISP. However, Appelman discloses correlating the mobile station to an on-line customer of ISP, and sending a message indicating the change in availability of the mobile station to the on-line customer of the ISP (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Appelman's method to Obhan's method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claim 29, the method of Obhan in view of Lager et al and further in view of Appelman also discloses recognizing an association of the on-line customer of the ISP with the mobile station for purpose of exchanging message (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 of Appelman).

6. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lager et al (US Patent Number 6636502) and in view of Appelman (US Patent Number 6677968).

Regarding claim 30, Lager et al disclose a method comprising the steps of : receiving a first signal from a wireless network, at an Internet Service Provider (ISP) system coupled to a packet data network, the first signal indicating that a wireless mobile station is available for

communication through the wireless network (see col. 8, lines 21-67; col. 9, line 1 to col. 10, line 21). Lager et al are silent to disclose in response to the first signal, correlating the mobile station to an on-line customer of the ISP; and sending a message through the packet data network indicating the availability of the mobile station, to the on-line customer of the ISP. However, Appelman discloses correlating the mobile station to an on-line customer of the ISP; and sending a message through the packet data network indicating the availability of the mobile station, to the on-line customer of the ISP (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Appelman's method to Lager's method so that system can notify buddies on power-up and users can automatically join favorite chat groups.

Regarding claim 31, the method of Lager in view of Appelman also discloses receiving a second signal from the wireless network, at the ISP system, indicating that the mobile station is no longer available for communication through a wireless network (see col. 8, lines 21-67; col. 9, line 1 to col. 10, line 21 of Lager); in response to the second signal, sending a message indicating the mobile station is no longer available through the packet data network to the on-line customer of the ISP (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 of Appelman).

Regarding claim 32, the method of Lager in view of Appelman also discloses recognizing an association of the on-line customer of the ISP with the mobile station for purpose of exchanging message (see figs. 1,3 and 6; col. 3, lines 17-27; col. 5, lines 17-20 of Appelman).

Allowable Subject Matter

7. Claims 14-20 allowed.

Regarding claim 14, Applicant amended the claim overcoming the prior arts. Therefore, claim 14 is allowed.

Claims 15-16 depend on claim 14. Therefore, they are allowed.

Regarding claim 17, Applicant amended the claim overcoming the prior arts. Therefore, claim 17 is allowed.

Claim 18 depends on claim 17. Therefore, claim 18 is allowed.

Regarding claim 19, Applicant amended the claim overcoming the prior arts. Therefore, claim 19 is allowed.

Claim 20 depends on claim 19. Therefore, claim 20 is allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

DN

David Nguyen

SINH TRAN
PRIMARY EXAMINER